

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 60

WEDNESDAY, 2 MARCH 1994

1 The House met, at 9.30 a.m., pursuant to adjournment.

2 ABSENCE OF SPEAKER

The Clerk having informed the House that the Speaker (the Honourable Stephen Martin) was absent until later this day, the Deputy Speaker (Mr Jenkins) took the Chair as Acting Speaker, and read Prayers.

3 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

25 February 1994—Message—

No. 120—

Higher Education Funding Amendment 1994.

Minerals (Submerged Lands) (Royalty) Amendment 1994.

No. 121—

Offshore Minerals 1994.

Offshore Minerals (Consequential Provisions) 1994.

Offshore Minerals (Retention Licence Fees) 1994.

No. 122—Chemical Weapons (Prohibition) 1994.

No. 123—Australian Space Council 1994.

4 WET TROPICS OF QUEENSLAND WORLD HERITAGE AREA CONSERVATION BILL 1994

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Technology and Regional Development), the Bill was read a third time.

5 AUSTRALIAN SPORTS DRUG AGENCY AMENDMENT BILL 1993

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerr (Minister for Justice), the Bill was read a third time.

6 TAXATION LAWS AMENDMENT BILL (NO. 4) 1993

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Rocher who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for:
 - (a) its lack of concern for the many casual, part-time and itinerant workers whose superannuation benefits are eroded by taxes, fees and charges; and
 - (b) extending the coverage of the Superannuation Guarantee Charge to contractors;
- (2) calls on the Government to:
 - (a) modify the Superannuation Guarantee Charge system immediately so that it treats casual, part-time and itinerant workers fairly; and
 - (b) exempt contractors from the provisions of the Superannuation Guarantee Charge legislation”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Consideration in detail

Clauses 1 to 79, by leave, taken together.

Mr Rocher moved the following amendment: Clause 51, page 20, line 4, subparagraph 51(a)(ii), omit “paid”, substitute “declared under section 160AQF of the Principal Act”.

Debate continued.

Amendment negatived.

Clauses agreed to.

Clauses 80 and 81, by leave, taken together and debated.

Question—That the clauses be agreed to—put.

The House divided (the Speaker, Mr Martin, in the Chair)—

AYES, 73

Mr Adams	Mr Duncan	Mr Johns	Mr Sawford
Mr Baldwin	Mrs Eason	Mr Jones	Mr Sciacca
Mr Beazley	Mr Elliott	Mr Kerr	Mr L. J. Scott
Mr Beddall	Ms Fatin	Mr Knott	Mr Simmons
Mr Bevis	Mr Ferguson	Mr Latham	Mrs S. J. Smith
Mr Bilney	Mr Fitzgibbon	Mr Lavarch	Mr S. F. Smith
Mr Brereton	Mr Free	Mr Lee	Mr Snow
Mr Brown	Mr Gear	Mr Lindsay	Mr Snowdon
Mr Campbell	Mr Gibson	Ms McHugh	Mr Staples
Mr Chynoweth	Mr Gorman	Mr Mack	Mr Swan
Mr Cleary	Mr Grace*	Mr McLeay*	Mr Tanner
Mr Cleeland	Mr Griffin	Mr Melham	Dr Theophanous
Ms Crawford	Mr Griffiths	Mr A. A. Morris	Mr Tickner
Mr Crean	Mr Haviland	Mr P. F. Morris	Mr Walker
Mrs Crosio	Ms Henzell	Mr Newell	Mr Willis
Mr Cunningham	Mr Horne	Mr O'Connor	Mr Woods
Ms Deahm	Mr Howe	Mr Price	
Mr Dodd	Mr Humphreys	Mr Punch	
Mr Duffy	Mr Jenkins	Mr Quick	

NOES, 58

Mr Aldred	Mr Evans	Mr McGauran	Mr B. C. Scott
Mr Anderson	Mr Filing*	Mr McLachlan	Mr Sharp
Mr J. N. Andrew	Mr Fischer	Mr Miles	Mr Sinclair
Mr K. J. Andrews	Mr Forrest	Mr Moore	Mr Slipper
Mr Atkinson	Mrs Gallus	Mrs Moylan	Mr Somlyay
Mr Beale	Mr Hall	Mr Nehl	Mrs Sullivan
Mr Bradford	Mr Halverson	Mr Neville	Mr Taylor
Mr Cadman	Mr Hawker	Mr Nugent	Mr Truss
Mr Cameron	Mr Hicks*	Mr Peacock	Mr Vaile
Mr Charles	Mr Howard	Mr Prosser	Mr Wakelin
Mr Cobb	Mr Jull	Mr Reid	Mr Williams
Mr Connolly	Mr Katter	Mr Reith	Dr Wooldridge
Mr Costello	Dr Kemp	Mr Rocher	Ms Worth
Mr Dobie	Mr Lieberman	Mr Ronaldson	
Mr Downer	Mr McArthur	Mr Ruddock	

* Tellers

And so it was resolved in the affirmative.

Remainder of Bill, by leave, taken as a whole, and agreed to, after debate.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Gear (Assistant Treasurer), by leave, the Bill was read a third time.

7 INDUSTRY, TECHNOLOGY AND REGIONAL DEVELOPMENT LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Technology and Regional Development) moved—That the Bill be now read a second time.

Papers: Mr Lindsay presented an explanatory memorandum and a supplementary explanatory memorandum to the Bill.

Debate ensued.

Dr Kemp was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

8 NATIONAL CRIME AUTHORITY—ATTACK ON ADELAIDE OFFICE—MINISTERIAL STATEMENT

Mr Kerr (Minister for Justice), by leave, made a ministerial statement concerning an attack on the Adelaide office of the National Crime Authority this morning.

Dr Hewson (Leader of the Opposition), by leave, also made a statement on the matter.

9 INDUSTRY, TECHNOLOGY AND REGIONAL DEVELOPMENT LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Mr L. J. Scott addressing the House—

It being 3 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

10 QUESTIONS

Questions without notice were asked.

11 PAPERS

The following papers were presented:

Foreign Investment Review Board—Report for 1992-93.

National Health and Medical Research Council Act—National Health and Medical Research Council—Review of implementation of strategic plan, for period 24 June 1993 to 30 June 1994.

Taxation statistics 1991-92.

12 PAPER—MOTION TO TAKE NOTE OF PAPER

Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Foreign Investment Review Board—Report for 1992-93.

Debate adjourned (Mr Howard), and the resumption of the debate made an order of the day for the next sitting.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTUDY

The House was informed that Mr K. J. Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s disregard for the welfare of families in its recent Austudy decisions to limit eligibility for many students”.

The proposed discussion having received the necessary support—

Mr K. J. Andrews addressed the House.

Discussion ensued.

Discussion concluded.

14 MESSAGE FROM THE SENATE—PRIME MINISTER AND CABINET (MISCELLANEOUS PROVISIONS) BILL 1994

Message No. 224, dated 28 February 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend various Acts relating to matters dealt with within the portfolio of the Prime Minister, to amend certain Acts in relation to dealings with Cabinet notebooks and similar documents, to make consequential amendments of the ‘Superannuation Act 1976’, and for related purposes*”.

Bill read a first time.

Paper: Mr Punch (Parliamentary Secretary to the Minister for Defence) presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

15 MESSAGES FROM THE SENATE

Messages from the Senate, dated 1 March 1994, were reported returning the following Bills without amendment:

Message—

No. 216—Agricultural and Veterinary Chemicals 1993.

No. 217—Agricultural and Veterinary Chemicals Code 1993.

No. 218—Agricultural and Veterinary Chemicals (Consequential Amendments) 1993.

No. 219—Agricultural and Veterinary Chemical Products (Collection of Levy) 1993.

No. 220—Agricultural and Veterinary Chemical Products Levy Imposition (Excise) 1993 (*without requests*).

No. 221—Agricultural and Veterinary Chemical Products Levy Imposition (Customs) 1993 (*without requests*).

No. 222—Agricultural and Veterinary Chemical Products Levy Imposition (General) 1993 (*without requests*).

16 MESSAGE FROM THE SENATE

Message No. 223, dated 2 March 1994, from the Senate was reported acquainting the House that it has referred the following matter to the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade for inquiry and report: The Senate resolution of 23 November 1993 relating to human rights and the lack of progress towards democracy in Myanmar and the letter from the Ambassador of the Union of Myanmar responding to the resolution.

17 EMPLOYMENT, EDUCATION AND TRAINING LEGISLATION AMENDMENT BILL 1994

Mr Punch (Parliamentary Secretary to the Minister for Defence), for Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend various Acts, and to repeal other Acts, relating to employment, education and training, and for related purposes.

Bill read a first time.

Paper: Mr Punch presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

18 DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 1994

Mr Punch (Parliamentary Secretary to the Minister for Defence), pursuant to notice, presented a Bill for an Act to amend the *Defence Force (Home Loans Assistance) Act 1990*.

Bill read a first time.

Paper: Mr Punch presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

19 INDUSTRY, TECHNOLOGY AND REGIONAL DEVELOPMENT LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Brereton (Minister for Industrial Relations), by leave, the following amendments were made together:

Schedule—

Page 3, proposed amendment of subsections 8(4) and (5) of the *Designs Act 1906*, omit “, or regulations made under this Act or any other Act”.

Page 3, proposed amendment of subsection 8(5A) of the *Designs Act 1906*, omit “, or regulations made under this Act or any other Act”.

Page 3, proposed amendment of subsection 8(5B) of the *Designs Act 1906*, omit “, or regulations made under this Act or any other Act”.

Page 3, proposed amendment of section 8A of the *Designs Act 1906* (first occurring), omit the proposed amendment.

Page 3, proposed paragraph 8A(b) of the *Designs Act 1906*, omit “(within the meaning of the *Public Service Act 1922*)”.

Page 3, add at the end of proposed section 8A of the *Designs Act 1906* the following subsection:

“(2) In this section:

“**employee**” has the same meaning as in the *Public Service Act 1922*.”.

Page 4, proposed amendment of subsections 208(2) and (3) of the *Patents Act 1990*, omit “, or regulations made under this Act or any other Act”.

Page 4, proposed amendment of subsection 208(4) of the *Patents Act 1990*, omit “, or regulations made under this Act or any other Act”.

Page 4, proposed amendment of subsection 208(5) of the *Patents Act 1990*, omit “, or regulations made under this Act or any other Act”.

Page 5, proposed amendment of subsection 209(1) of the *Patents Act 1990*, omit the proposed amendment, substitute the following amendment:

“Subsection 209(1):

Omit ‘to an employee’, substitute ‘or any other Act to a prescribed employee, or a prescribed class of employees’.”.

Page 5, proposed amendment of Schedule 1 (definition of “employee”) of the *Patents Act 1990*, omit the proposed amendment, substitute the following amendment:

“Schedule 1 (paragraphs (a) and (b) of the definition of ‘employee’):

Omit ‘under the control of the Commissioner’, substitute ‘in the Patent Office’.”.

Page 5, proposed amendment of subsections 10(3A) and (3B) of the *Trade Marks Act 1955*, omit “, or regulations made under this Act or any other Act”.

Page 5, proposed amendment of subsection 10(3C) of the *Trade Marks Act 1955*, omit “, or regulations made under this Act or any other Act”.

Page 5, proposed amendment of subsection 10(4) of the *Trade Marks Act 1955*, omit “, or regulations made under this Act or any other Act”.

Page 6, proposed amendment of section 11 of the *Trade Marks Act 1955* (first occurring), omit the proposed amendment.

Page 6, proposed paragraph 11(b) of the *Trade Marks Act 1955*, omit “(within the meaning of the *Public Service Act 1922*)”.

Page 6, add at the end of proposed section 11 of the *Trade Marks Act 1955* the following subsection:

“(2) In this section:

“**“employee”** has the same meaning as in the *Public Service Act 1922*.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Brereton, by leave, the Bill was read a third time.

20 SOCIAL SECURITY (HOME CHILD CARE AND PARTNER ALLOWANCES) LEGISLATION AMENDMENT BILL 1994—SENATE’S REQUESTS

The order of the day having been read for the consideration of the amendments requested by the Senate, viz.:

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

No. 1—Clause 3, pages 11 and 12, proposed section 926, line 30 (page 11) to line 10 (page 12), omit the section, substitute the following section:

Interpretation

“ ‘926. For the purposes of this Division, “**ordinary income**” means income of a person that would be separate net income of the person for the purposes of section 159J of the *Income Tax Assessment Act 1936* as in force on 30 June 1994.”.

No. 2—Clause 3, page 13, after proposed Division 5 insert the following Division:

“Division 5A—Preservation of home child care allowance

Preservation of home child care allowance where rebates would be available

“ ‘929A. If:

- (a) a home child care allowance is not payable to a person for a dependent child during a period but would be so payable apart from sections 902, 903, 904, 905, 907 and 918 and paragraphs 906(c) and (d); and
- (b) under subsection 159J(1B) of the *Income Tax Assessment Act 1936* as in force on 30 June 1994, the person or the person's spouse would be entitled to a rebate at a higher rate in respect of the child for the year of income in which that period occurred;

a home child care allowance is payable to the person for the child during that period.”—

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved—That the requested amendments be not made.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 74

Mr Adams	Mr Duncan	Mr Jenkins	Mr Quick
Mr Baldwin	Mrs Easson	Mr Johns	Mr Sawford
Mr Beazley	Mr Elliott	Mr Jones	Mr Sciacca
Mr Beddall	Ms Fatin	Mr Knott	Mr L. J. Scott
Mr Bevis	Mr Ferguson	Mr Langmore	Mr Simmons
Mr Bilney	Mr Fitzgibbon	Mr Latham	Mrs S. J. Smith
Mr Brereton	Mr Free	Mr Lavarch	Mr S. F. Smith
Mr Brown	Mr Gear	Mr Lee	Mr Snow
Mr Campbell	Mr Gibson	Ms McHugh	Mr Snowdon
Mr Chynoweth	Mr Gorman	Mr Mack	Mr Staples
Mr Cleary	Mr Grace*	Mr McLeay*	Mr Swan
Mr Cleeland	Mr Griffin	Mr Melham	Mr Tanner
Ms Crawford	Mr Griffiths	Mr A. A. Morris	Dr Theophanous
Mr Crean	Mr Haviland	Mr P. F. Morris	Mr Tickner
Mrs Crosio	Ms Henzell	Mr Newell	Mr Walker
Mr Cunningham	Mr Holding	Mr O'Connor	Mr Willis
Ms Deahm	Mr Horne	Mr O'Keefe	Mr Woods
Mr Dodd	Mr Howe	Mr Price	
Mr Duffy	Mr Humphreys	Mr Punch	

NOES, 58

Mr Aldred	Mr Filing*	Mr McGauran	Mr B. C. Scott
Mr Anderson	Mr Fischer	Mr McLachlan	Mr Sharp
Mr J. N. Andrew	Mr Forrest	Mr Miles	Mr Sinclair
Mr K. J. Andrews	Mrs Gallus	Mr Moore	Mr Slipper
Mr Atkinson	Mr Hall	Mrs Moylan	Mr Somlyay
Mr Beale	Mr Halverson	Mr Neville	Mrs Sullivan
Mr Braithwaite	Mr Hawker	Mr Nugent	Mr Taylor
Mr Cadman	Mr Hicks*	Mr Peacock	Mr Truss
Mr Cameron	Mr Howard	Mr Prosser	Mr Tuckey
Mr Charles	Mr Jull	Mr Pyne	Mr Vaile
Mr Cobb	Mr Katter	Mr Reid	Mr Williams
Mr Connolly	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Dobie	Mr Lieberman	Mr Rocher	Ms Worth
Mr Downer	Mr Lloyd	Mr Ronaldson	
Mr Evans	Mr McArthur	Mr Ruddock	

* Tellers

And so it was resolved in the affirmative.

21 FOREIGN EVIDENCE BILL 1994

The order of the day having been read for the second reading—

Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, declared that the Foreign Evidence Bill 1994 and Foreign Evidence (Transitional Provisions and Consequential Amendments) Bill 1993 were cognate Bills.

Mr Duncan moved—That the Bill be now read a second time.

Papers: Mr Duncan presented the following papers:

Explanatory memoranda to the following Bills:

Foreign Evidence 1994; and

Foreign Evidence (Transitional Provisions and Consequential Amendments) 1993.

Supplementary explanatory memorandum to the Foreign Evidence Bill 1994.

Debate ensued.

Question—put and passed—Bill read a second time.

Consideration in detail

Clauses 1 to 24, by leave, taken together, and agreed to.

Clause 25—

On the motion of Mr Williams, the following amendment was made: Page 10, lines 30 and 31, omit “cause prejudice to the defence”, substitute “unfairly prejudice any party to the proceeding”.

Clause, as amended, agreed to.

Clauses 26 to 32, by leave, taken together, and agreed to.

Clause 33—

On the motion of Mr Williams, the following amendment was made: Page 12, at the end of subclause (2) add the following word and paragraph:

“; and (e) whether exclusion of the foreign material would unfairly prejudice any party to the proceeding.”.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Duncan, by leave, the Bill was read a third time.

22 FOREIGN EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1993

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan, the Bill was read a third time.

23 ADJOURNMENT

Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 8 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 2 March 1994:

Export Control Act—Export Control Orders 1994 No. 1.

Fisheries Management Act—Subsidiary agreement between the Government of Australia and the Government of Japan concerning Japanese tuna long-line fishing, 24 December 1993.

Meat Inspection Act—Meat Inspection Orders 1994 No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hollis, Mr Keating and Mrs Kelly.

L. M. BARLIN

Clerk of the House of Representatives